

Ryan Lee (SBN: 024846)
Krohn & Moss, Ltd.
10474 Santa Monica Blvd., Suite 401
Los Angeles, CA 90025
Tel: 323-988-2400 x241
Fax: 866-583-3695
rlee@consumerlawcenter.com
Attorneys for Plaintiff,
Timothy Backer

**UNITED STATES DISTRICT COURT,
DISTRICT OF ARIZONA**

Timothy Backer,)	Case No.:
)	
Plaintiff,)	COMPLAINT AND DEMAND FOR
)	JURY TRIAL
v.)	
)	(Unlawful Debt Collection Practices)
Allied International Credit Corp.,)	
)	
Defendant.)	

PLAINTIFF'S COMPLAINT

Timothy Backer (Plaintiff), through his attorneys, Krohn & Moss, Ltd., alleges the following against Allied International Credit Corp. (Defendant):

INTRODUCTION

- Count I of Plaintiff's Complaint is based on the Fair Debt Collection Practices Act, 15 U.S.C. 1692 et seq. (FDCPA).

JURISDICTION AND VENUE

- Jurisdiction of this court arises pursuant to 15 U.S.C. 1692k(d), which states that such actions may be brought and heard before "any appropriate United States district court without regard to the amount in controversy."
- Defendant conducts business in the state of Arizona, and therefore, personal jurisdiction is established.
- Venue is proper pursuant to 28 U.S.C. 1391(b)(2).

PARTIES

5. Plaintiff is a natural person residing in Peoria, Maricopa County, Arizona.
6. Plaintiff is a consumer as that term is defined by *15 U.S.C. 1692a(3)*, and according to Defendant, Plaintiff allegedly owes a debt as that term is defined by *15 U.S.C. 1692a(5)*.
7. Defendant is a debt collector as that term is defined by *15 U.S.C. 1692a(6)*, and sought to collect a consumer debt from Plaintiff.
8. Defendant is a collection agency and conducts business in Arizona.
9. Defendant acted through its agents, employees, officers, members, directors, heirs, successors, assigns, principals, trustees, sureties, subrogees, representatives, and insurers.

FACTUAL ALLEGATIONS

10. Defendant is attempting to collect from Plaintiff on a debt allegedly owed to JP Morgan Chase Bank in the amount of approximately \$38,000.00.
11. On or about November 16, 2010, Defendant began placing collection calls to Plaintiff's work cell phone and personal cell phone from 800-285-0636 up to five times per day.
12. Plaintiff informed Defendant that he already paid this debt and will not pay it again.
13. Defendant placed collection calls to Plaintiff at 7:09 a.m. on December 1, 2010, at 7:21 a.m. on December 2, 2010, at 7:44 a.m. on December 3, 2010, and at 7:43 a.m. on December 4, 2010.
14. On December 7, 2010, Defendant placed five (5) collection calls to Plaintiff at 6:28 p.m., 6:35 p.m., 6:56 p.m., 7:03 a.m. and 8:08 p.m..

**COUNT I
DEFENDANT VIOLATED THE FAIR DEBT COLLECTION PRACTICES ACT**

15. Defendant violated the FDCPA based on the following:
 - a. Defendant violated §1692c(a)(1) of the FDCPA by contacting Plaintiff at a time

1 and place known to be inconvenient.

2 b. Defendant violated §1692d of the FDCPA by engaging in conduct the natural
3 consequence of this is to harass, abuse, and oppress the Plaintiff.

4 c. Defendant violated §1692d(5) of the FDCPA when Defendant caused Plaintiff's
5 telephone to ring repeatedly and continuously with the intent to annoy, abuse,
6 and harass Plaintiff.

7 WHEREFORE, Plaintiff, Timothy Backer, respectfully requests judgment be entered
8 against Defendant, Allied International Credit Corp., for the following:

9 16. Statutory damages of \$1000.00 pursuant to the Fair Debt Collection Practices Act, 15
10 U.S.C. 1692k,

11 17. Costs and reasonable attorneys' fees pursuant to the Fair Debt Collection Practices Act,
12 15 U.S.C. 1692k

13 18. Any other relief that this Honorable Court deems appropriate.

14 **DEMAND FOR JURY TRIAL**

15 Plaintiff, Timothy Backer, demands a jury trial in this cause of action.

16 RESPECTFULLY SUBMITTED,

17 DATED: January 4, 2011

KROHN & MOSS, LTD.

18
19 By: /s/ Ryan Lee

20 Ryan Lee
21 Attorney for Plaintiff
22
23
24
25


4 STATE OF ARIZONA

5 Plaintiff, TIMOTHY BACKER, states as follows:

- 6 1. I am the Plaintiff in this civil proceeding.
7 2. I have read the above-entitled civil Complaint prepared by my attorneys and I believe
8 that all of the facts contained in it are true, to the best of my knowledge, information
9 and belief formed after reasonable inquiry.
10 3. I believe that this civil Complaint is well grounded in fact and warranted by existing
11 law or by a good faith argument for the extension, modification or reversal of existing
12 law.
13 4. I believe that this civil Complaint is not interposed for any improper purpose, such as
14 to harass any Defendant(s), cause unnecessary delay to any Defendant(s), or create a
15 needless increase in the cost of litigation to any Defendant(s), named in the
16 Complaint.
17 5. I have filed this Complaint in good faith and solely for the purposes set forth in it.
18 6. Each and every exhibit I have provided to my attorneys which has been attached to
19 this Complaint is a true and correct copy of the original.
20 7. Except for clearly indicated redactions made by my attorneys where appropriate, I
21 have not altered, changed, modified or fabricated these exhibits, except that some of
22 the attached exhibits may contain some of my own handwritten notations.

23 Pursuant to 28 U.S.C. § 1746(2), I, TIMOTHY BACKER, hereby declare (or certify,
24 verify or state) under penalty of perjury that the foregoing is true and correct

25 DATE: 01/04/11


TIMOTHY BACKER